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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This office action is in response to communication filed on 10/21/2010.
2. Claims 1, 8, 11-13, 16-19, 21-22, 24, 26, 31, 33, 35, 37, 72 and 74 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 8, 11-13, 16-19, 21-22, 24, 26, 31, 33, 35, 37, 72, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (6,128,663 hereinafter Thomas) in view of Official Notice.

With respect to claims 1, 8, 11-13, 16-19, 31, 33, 35, 72, 74, Thomas teaches displaying a message in conjunction with an advertisement on a World Wide Web Page (Abstract). Determining a banner advertisement to be displayed on a World Wide Web page, wherein said World Wide Web page includes content other than the advertisement (i.e. content of the output requested including advertisement)(col. 4, lines 53-65); determining a message to be displayed on said World Wide Web page, wherein said message is thematically related to said banner advertisement and directs a user's attention to the banner advertisement (i.e. variant of the requested page including a greeting)(col. 4, lines 53-65 and col. 8, lines 64-66); determining targeting criteria associated with said message (i.e. taking into account demographics and information of

the requested page in order to display a variant of the page to the user)(col. 4, lines 63-65); receiving a request to serve said World Wide Web page and serving said World Wide Web page (col. 4, lines 53-65 and col. 8, lines 53 to col. 9, lines 1-9); serving said banner advertisement for display on said World Wide Web page such that at least a portion of the content other than the advertisement included in said World Wide Web page, tailoring said message based on said targeting criteria and serving said tailored message for display on said World Wide Web page (col. 4, lines 53-65 and col. 8, lines 53-65).

With respect to receiving personal information about the user from a user. Thomas teaches receiving personal information about the user (col. 2, lines 1-24). Thomas is silent as to the information being received from the user. Official Notice is taken that it is old and well known to receive personal information from the user such as user's name, age and gender when a user fills out an application and the like. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving personal information from the user in order to allow the user control of his or her information.

With respect to said tailored message being separate from the advertisement. Thomas teaches the user receiving requested content which includes advertisements (banner ads) and a variant of the requested page (tailored message) in a portion of the page (col. 4, lines 63-65).

With respect to newly amended feature of the tailored message and the banner advertisement are simultaneously displayed to the user. Thomas teaches the user will

receive requested content which will include **advertising banner** and a appropriate variant (tailored message) of the requested content that includes greetings, etc. displayed with the requested content **or portion thereof** (col. 4, lines 60-65).

With respect to claims 21-22, Thomas further teaches tailoring said message based on external information (i.e. receiving demographic information from other sites)(col. 2, lines 64 to col. 3, lines 1-24).

Claim 17 further recites serving a second message when said tailored message is no longer to be displayed. Official Notice is taken that it is old and well known in marketing and the like to schedule a second message when a first message is no longer to be displayed. For example, during the Christmas season a certain message is displayed and when the season is over, a default or second message is displayed. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have including serving a second message when said tailored message is no longer to be displayed in order to allow the customer to always receive or be exposed to a message.

Claims 24, 37, further recite that said tailored message is to be displayed proximal to the advertisement. Thomas is silent as to the location of the message in proportion to the advertisement. Nevertheless, official Notice is taken that placing the

message proximal to the ad or within the advertisement is old and well known to bring the user's attention to the ad.

Claim 26 further recites changing a display attribute within said tailored message. Official Notice is taken that changing display attribute within a message such as changing display color or image will bring the user's attention to the message.

Response to Arguments

5. Applicant's arguments filed 10/21/2010 have been fully considered but they are not persuasive.

Applicant argues that in Thomas Figure 11, Thomas directs the user's attention to search results categories, and not to the banner advertisement as recited in claim 1. The Examiner wants to point out that Thomas teaches the user will receive requested content which will include an **advertising banner** and a appropriate variant (tailored message) of the requested content that includes greetings, etc. displayed with the requested content **or portion thereof** (col. 4, lines 60-65).

6. Applicant argues that the banner advertisement of Thomas is not separate from the tailored message. The Examiner disagrees with Applicant because Thomas teaches on col. 4, lines 58-65 " For example, the requested page often includes an advertising banner, and according to the invention, the particular advertising banner that is chosen to be transmitted with the requested page is determined, not randomly, but in accordance with the demographics identifier. Other modification could also be made

such as providing a greeting, selecting an appropriate variant of the requested page or portion thereof, etc.” As taught by Thomas above, the requested page of Thomas can contain banner ads and selecting an appropriate variant of the page (tailored message) such as a greeting to be displayed in the portion of the page. Therefore contrary to Applicant's arguments, Thomas teaches the **banner advertisements** which are part of the requested page and a separate **appropriate variant or greeting** (tailor message) of the requested page is displayed to the user in a **portion thereof**. The banner ads are separate from the appropriate variant of the page including greetings and are displayed simultaneously as **portion thereof** of the page

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

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R.A.
2/9/2011